



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,299	08/14/2001	Edward M. Goldsmith	266/247	8357

22249 7590 05/21/2002

LYON & LYON LLP
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071

EXAMINER

GRAHAM, MARK S

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,299

Applicant(s)

GOLDSMITH ET AL.

Examiner

Mark S. Graham

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3711

Applicant's preliminary amendment filed 3/14/02 was received in the Office prior to the mailing of the previous office action consequently the finality of the rejection of the last Office action is withdrawn and the following action is in response to the preliminary amendment.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ilacqua, Malmberg, or Spath.

Ilacqua's regions 72 or 74, Malmberg's region 5, or Spath's region C meet the limitations of the claims.

Claims 5-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ilacqua for the reasons set forth above.

In response to applicant's definition of concave as explained in the remarks Sweet has been removed as a grounds of rejection. It is understood from applicant's remarks that applicant's "concave" area is only one which has a varied depth. However, Spath's area is of varied depth as can be clearly seen in Fig. 2.

With regard to Malmberg's and Spath's hockey sticks the upper region of blade is clearly stated to be less rigid. This is all that is required regardless of the function of Malmberg's device 4. Moreover, Malberg's device is intended to a reinforcement to hockey sticks which already exist and those hockey sticks without the reinforcement also meet the claim limitations.

Regarding the positioning of the weakened portion whether one terms it the upper end of the

blade of the lower end of the shaft it is clear from a comparison of the drawing figures that it occurs in the same place. Therefore if applicant wishes to designate that section of his stick part of the blade then for consistency that part of prior art sticks must also be considered part of the blade.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

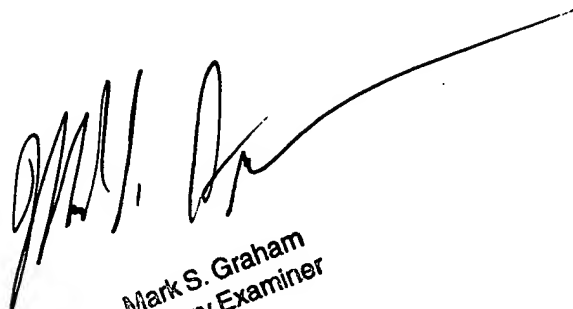
Claim 5-8, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malmberg or Spath in view of Meumann et al. (Meumann). Malmberg or Spath disclose the claimed structure with the exception of the detachable feature of the blade. However, as disclosed by Meumann it is known in the art to provide hockey stick blades as detachable blades. It would have been obvious to one of ordinary skill in the art to have done the same with Malmberg or Spath's blade to allow for replacement thereof.

Claims 9, 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malmberg in view of Meumann. Malmberg discloses the claimed structure with the exception of the detachable feature of the blade. However, as disclosed by Meumann it is known in the art to provide hockey stick blades as detachable blades. It would have been obvious to one of ordinary skill in the art to have done the same with Malmberg's blade to allow for replacement thereof.

Art Unit: 3711

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 703-308-1355.

MSG
5/12/02



Mark S. Graham
Primary Examiner